

## **REMARKS/ARGUMENTS**

Claims 2-8, 10-16, 26-32, 34-41, 43, and 44 are pending in the present application.  
Reconsideration of the claims is respectfully requested.

### **I. Continued Examination**

The examiner has acknowledged the request for continued examination under 37 C.F.R. § 1.114. In addition, the examiner stated that the Response to Final Office Action, filed 06/16/04, has been entered.

### **II. 35 U.S.C. § 102, Anticipation**

The examiner has rejected claims 2-8, 10-16, 26-32, 34-41 and 43-44 under 35 U.S.C. § 102 as being anticipated by *Carter, III, Method and Apparatus for Pricing Products in Multi-Level Product and Organizational Groups*, U.S. Patent No. 5,878,400, March 2, 1999 (hereinafter "*Carter*"). This rejection is respectfully traversed.

The Office Action states:

Carter teaches a method and system for pricing products in multi-level product and organizational groups. In particular, for each of the plurality of products there are adjustments to the basic price. For example, there are applicable state and local taxes, shipping charges and discounts (column 2; lines 1-5).

Carter further teaches, when a product is selected by the customer all product groups to which the product belongs and the associated pricing adjustments are identified. (column 3; lines 42-45). The price adjustments for a particular group (purchasing organization) are determined by retrieving the price adjustments for that product from a database table and applying them in sequence to arrive at a final price (column 3; lines 52-22 & column 3; lines 59-62).

Examiner notes that the groups relate to Applicant's calculation code and the price adjustments are the calculation rules. Specifically, each product has associated with it a group (or groups) (i.e. associating a calculation code with an item). In addition, each group (calculation code) has associated with it a set of price adjustments (calculation rules) and these price adjustments (calculation rules) are used to produce an amount for a parameter (the amount of the actual adjustment).

Carter also teaches the invention overcoming the disadvantage of having to "hard-code" the "business logic" into the pricing system, therefore the invention provides for flexibility in formulating a desired pricing system while reducing the need to store, maintain and retrieve huge amounts of data (column 4; lines 1-11) (each operation maybe modified and the flow of execution remains the same).

Examiner notes that it is inherent to the system of Carter that the final price be output to a printer, a display device, a storage medium, a database or a connection device. One of these output means is necessarily present in the teachings of Carter in order to communicate the determine price the customer.

Office Action dated April 10, 2006, pages 2-3.

The present invention associates one or more calculation rules with a calculation code and associates the calculation code with an item, wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item. When the calculation code is applied to the item, the calculation rules are used to determine an amount for a parameter for that item. Claim 2 recites:

2. A method for processing a parameter for an item in an electronic order processing system, said method comprising:
  - providing a plurality of calculation rules for calculating amounts for parameters of items;
  - associating one or more calculation rules from the plurality of calculation rules with a calculation code, wherein the one or more calculation rules are used to produce an amount for a parameter and wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item;
  - associating the calculation code with an item;
  - responsive to initiating application of the calculation code to the item, using the qualifying method to determine whether to apply the calculation code to the item;
  - and
  - responsive to a determination that the calculation code is to be applied to the item, using the one or more calculation rules to produce an amount for the parameter for the item; and
  - providing the amount to an output device.

*Carter* fails to teach or suggest associating one or more calculation rules with an item through association with a calculation code, wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item, as recited in claim 2. More particularly, *Carter* fails to teach or suggest “responsive to initiating application of the calculation code to the item, using the qualifying method to determine whether to apply the calculation code to the item” and “responsive to a determination that the calculation code is to be applied to the item, using the one or more calculation rules to produce an amount for the parameter for the item,” as recited in claim 2.

Since the applied reference fails to teach or suggest each and every claim limitation, claim 2 is not anticipated by *Carter*. Independent claims 10, 26, 34, and 41 recite subject matter addressed above with respect to claim 2 and are allowable for at least the same reasons. Since claims 3-8, 11-16, 27-32, 35-40, 43, and 44 depend from claims 2, 10, 26, 34, and 41, the same distinctions between *Carter* and the invention recited in claims 2, 10, 26, 34, and 41 apply for these claims. Additionally, claims 3-8, 11-16, 27-32, 35-40, 43, and 44 recite other additional combinations of features not suggested by the reference.

More particularly, claims 7, 15, 31, and 39 recite that each of the plurality of calculation rules has an associated allowable calculation attribute that determines whether the calculation rule may be combined with other calculation rules. Claims 8, 16, 32, and 40 recite that the allowable calculation attribute has a value selected from the group consisting essentially of in combination with, not in

combination with, and in addition to. *Carter* does not teach or suggest these features, and thus, *Carter* does not anticipate claims 7, 8, 15, 16, 31, 32, 39, and 40.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 2-8, 10-16, 26-32, 34-41, 43, and 44 under 35 U.S.C. § 102.

Furthermore, *Carter* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Carter* actually teaches away from the presently claimed invention because it teaches using an organizational groups hierarchy and a product groups hierarchy to identify price adjustments, as opposed to a calculation code that is selectively applied to an item, as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Carter* to associate calculation rules with items through association with a calculation code wherein the calculation code is associated with a qualifying method, one of ordinary skill in the art would not be led to modify *Carter* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Carter* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

The examiner states that Applicant's arguments filed February 10, 2004, have been fully considered but are not persuasive. In the examiner's rejection, the examiner has not commented on the features that were added in Applicant's Response to Final Office Action, which was filed June 16, 2004.

**III. Conclusion**

It is respectfully urged that the subject application is patentable over *Carter* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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